

FILED

UNITED STATES BANKRUPTCY COURT

District of Maryland

2015 AUG 17 PM 2:51
U.S. BANKRUPTCY COURT
DISTRICT OF MARYLAND
BALTIMORE

IN RE)	
HERDISENE MCINTYRE GREEN)	
NATIONSTAR MORTGAGE LLC)	Case Number: 15-15219
Movant)	Chapter 7
v.)	Motion to Ratify Rescission and to
)	Quiet Title
Herdisene McIntyre Green)	
Respondent)	

MOTION TO RATIFY RESCISSION

1. COMES NOW, Respondent, Herdisene McIntyre Green, with a Motion to Ratify the Rescission of the alleged loan, against which NATIONSTAR MORTGAGE, LLC., has been attempting to collect and to foreclose on my property to satisfy an alleged debt.

2. On July 18, 2015, I, Herdisene McIntyre Green, mailed a Verified Notice of Rescission to the four parties who have at sometime made a claim against or otherwise been involved with alleging that I, Herdisene McIntyre Green, owes them a debt because of an alleged loan from COUNTRYWIDE HOME LOANS, INC. The Verified Notice of Rescission was created and executed according to the provisions of the Acts of Congress codified at 15 USC §§ 1601 to 1639, with particular attention to 15 USC §1635(b). A copy of the Verified Notice of Rescission is annexed hereto as ANNEX A pursuant to the Federal Rules of Evidence 401, 901,

1 & 902. Also included are computer screenshots from the UNITED STATES POSTAL
 2 SERVICE website, validating the date each party received their copy of the Verified Notice of
 3 Rescission.

4
 5 3. I, therefor, direct this Court's attention to the provisions of 15 USC 1635(b), wherein
 6 One may find the following wording:

7 *"When an obligor exercises his right to rescind under subsection (a) of this section, he*
 8 *is not liable for any finance or other charge, and any security interest given by the*
 9 *obligor, including any such interest arising by operation of law, becomes void upon*
 10 *such a rescission. Within 20 days after receipt of a notice of rescission, the creditor*
 11 *shall return to the obligor any money or property given as earnest money,*
 12 *downpayment, or otherwise, and shall take any action necessary or appropriate to*
 13 *reflect the termination of any security interest created under the transaction. If the*
 14 *creditor has delivered any property to the obligor, the obligor may retain possession of*
 15 *it. Upon the performance of the creditor's obligations under this section, the obligor*
 16 *shall tender the property to the creditor, except that if return of the property in kind*
 17 *would be impracticable or inequitable, the obligor shall tender its reasonable value.*
 18 *Tender shall be made at the location of the property or at the residence of the obligor,*
 19 *at the option of the obligor. If the creditor does not take possession of the property*
 20 *within 20 days after tender by the obligor, ownership of the property vests in the*
 21 *obligor without obligation on his part to pay for it. The procedures prescribed by this*
 22 *subsection shall apply except when otherwise ordered by a court."* {Emphasis added}

23
 24 4. Nowhere in the wording of 15 USC 1635 does one find that the alleged "creditor" has
 25 any options other than the return of the property within 20 days of receipt of the Notice or in
 26 the alternative to get a court order to the contrary. Since NATIONSTAR MORTGAGE, LLC.,
 27 has failed to comply with the laws as enacted by Congress, NATIONSTAR MORTGAGE,
 28 LLC., has forfeited all rights, title, interest, and claims against the property of Herdisene
 29 McIntyre Green.

1
2 5. Anticipating that NATIONSTAR MORTGAGE, LLC., might argue that there is a 3
3 year limitation on the right of rescission, I, Herdisene McIntyre Green, direct this Court's
4 attention to the wording of 15 USC § 1635(f) which reads as follows:

5 *"An obligor's right of rescission shall expire three years after the date of consummation*
6 *of the transaction or upon the sale of the property, whichever occurs first....."*

7 The key words to look at are "**the date of the consummation of the transaction.**" The
8 transaction has never been consummated because COUNTRYWIDE HOME LOANS, INC.,
9 never made a loan to me, Herdisene McIntyre Green. If they had, then there would be a record
10 of the account into which the alleged loan funds were added, and there would be a record of my
11 withdrawal of those funds, or in the alternative there would be an order, signed by me,
12 Herdisene McIntyre Green, instructing COUNTRYWIDE HOME LOANS, INC., to pay those
13 funds to some party. None of those things happened, and there is not and never has been a loan
14 made to me. Therefor, the transaction was NOT consummated and the 3 year time limit does
15 not apply in this instance.

16 17 **MOTION TO RATIFY RESCISSION AND TO QUIET TITLE**

18
19 6. **WHEREFORE**, based on the foregoing Facts, which are Public Record, I, Herdisene
20 McIntyre Green, motion this honorable Court to comply with and enforce the Acts of Congress
21 as herein presented, and to Ratify the Rescission of the Promissory Note and the Deed of Trust
22 and to Quiet the Title to my property. If this Motion is denied, I, Herdisene McIntyre Green,
23 move this Court for Findings of Fact and Conclusions of Law to support the Court's findings in
24 an effort to preserve my record for Appeal.

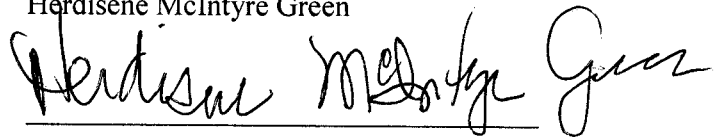
25 26 **VERIFICATION**

27
28 I, Herdisene McIntyre Green, hereby states, declares, verifies and affirms under penalty
29 of perjury, under the laws of the United States of America and the State of Maryland, that I,

1 Herdisene McIntyre Green, have read the foregoing and know the contents thereof; that the
2 same is true and correct based on the undersigned's own knowledge to the best of the
3 undersigned's current information, knowledge, comprehension and belief.
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8 Dated: 16 day of August, 2015
9

10 Herdisene McIntyre Green

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ANNEX A

USPS Tracking®



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Tracking Number: 70051160000496932597



Delivered

On Time

Expected Delivery Day: Monday, July 20, 2015

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

Available Actions

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
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July 20, 2015, 11:07 am

Delivered

ANNAPOLIS, MD 21409

Your item was delivered at 11:07 am on July 20, 2015 in ANNAPOLIS, MD 21409

July 20, 2015, 8:25 am	Arrived at Unit	ANNAPOLIS, MD 21401
July 20, 2015, 4:23 am	Departed USPS Origin Facility	LINTHICUM HEIGHTS, MD 21090
July 19, 2015, 2:01 am	Arrived at USPS Origin Facility	LINTHICUM HEIGHTS, MD 21090
July 18, 2015, 8:05 pm	Arrived at USPS Origin Facility	BALTIMORE, MD 21233
July 18, 2015, 6:04 pm	Departed Post Office	PIKESVILLE, MD 21282
July 18, 2015, 11:41 am	Acceptance	PIKESVILLE, MD 21282

Countrywide Home Loans, Inc.

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Tracking Number: 70051160000496932610



Delivered

Expected Delivery Day: Tuesday, July 21, 2015

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

Available Actions

Text Updates

Email Updates

July 21, 2015, 10:40 am Delivered CHARLOTTE, NC 28202

Your item was delivered at 10:40 am on July 21, 2015 in CHARLOTTE, NC 28202

Bank of America

July 20, 2015, 11:33 pm	Arrived at USPS Origin Facility	CHARLOTTE, NC 28214
July 20, 2015, 9:44 pm	Departed USPS Facility	CHARLOTTE, NC 28228
July 20, 2015, 8:27 am	Arrived at USPS Origin Facility	CHARLOTTE, NC 28228
July 18, 2015, 10:03 pm	Departed USPS Facility	BALTIMORE, MD 21233
July 18, 2015, 8:06 pm	Arrived at USPS Facility	BALTIMORE, MD 21233
July 18, 2015, 6:04 pm	Departed Post Office	PIKESVILLE, MD 21282
July 18, 2015, 11:41 am	Acceptance	PIKESVILLE, MD 21282

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Tracking Number: 70051160000496932627



Delivered

Updated Delivery Day: Friday, July 24, 2015

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™

Available Actions

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
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July 23, 2015, 9:59 am

Delivered

COPPELL, TX 75019

Your item was delivered at 9:59 am on July 23, 2015 in COPPELL, TX 75019

NATIONSTAR MORTGAGE, LLC

July 23, 2015, 9:56 am	Arrived at Unit	COPPELL, TX 75019
July 23, 2015, 8:19 am	Sorting Complete	COPPELL, TX 75019
July 23, 2015, 3:19 am	Departed USPS Origin Facility	COPPELL, TX 75089
July 20, 2015, 3:53 pm	Arrived at USPS Origin Facility	COPPELL, TX 75099
July 18, 2015, 8:05 pm	Arrived at USPS Facility	BALTIMORE, MD 21233
July 18, 2015, 6:04 pm	Departed Post Office	PIKESVILLE, MD 21282
July 18, 2015, 11:41 am	Acceptance	PIKESVILLE, MD 21282

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Tracking Number: **RB251265813US**



Delivered

Updated Delivery Day: **Wednesday, July 22, 2015**

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Registered Mail™

Available Actions

Text Updates

Email Updates

DATE & TIME	STATUS OF ITEM	LOCATION
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July 22, 2015, 10:02 am	Delivered	MC LEAN, VA 22102
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Your item was delivered at 10:02 am on July 22, 2015 in MC LEAN, VA 22102

Federal Home Loan Mortgage
Corporation

July 22, 2015, 8:53 am	Arrived at Unit	MC LEAN, VA 22102
July 22, 2015, 1:15 am	Arrived at USPS Facility	MERRIFIELD, VA 22081
July 21, 2015, 8:01 pm	Arrived at USPS Facility	DULLES, VA 20101
July 20, 2015, 8:37 pm	Arrived at USPS Facility	BALTIMORE, MD 21233
July 18, 2015, 6:04 pm	Departed Post Office	PIKESVILLE, MD 21282
July 18, 2015, 11:43 am	Acceptance	PIKESVILLE, MD 21282

UNITED STATES BANKRUPTCY COURT
District of Maryland

IN RE)	
HERDISENE MCINTYRE GREEN)	
NATIONSTAR MORTGAGE, LLC)	Case Number: 15-15219
Movant)	Chapter 7
v.)	ORDER to Ratify Rescission and to
)	Quiet Title
Herdisene McIntyre Green)	
Respondent)	

ORDER

Upon review of the Records available to this Court, and by compliance of the applicable Laws, it is Ordered:

1. That any and all debts allegedly owed to NATIONSTAR MORTGAGE, LLC, or any other entity have been rescinded to the full extent.
2. That the Deed of Trust shall be re-conveyed to the Herdisene McIntyre Green, and the original Promissory Note be returned to her within 30 days.

So Ordered this this 16 day of August, 2015

JUDGE FOR THE U.S. BANKRUPTCY COURT

Motion to Ratify Rescission

1
2 **In re: Case No. 15-15219 Chapter 7**
3 **Herdisene McIntyre Green**
4 **Debtor**

5 **CERTIFICATE OF SERVICE**

6
7 The undersigned hereby certifies that a true copy of the Motion to Ratify Rescission and Quiet
8 Title along with a proposed ORDER, filed by Herdisene McIntyre Green, has been sent to the
9 parties listed below via USPS pre-paid First Class Mail on August ____, 2015.

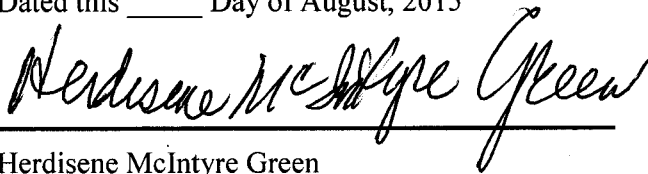
10 **Copies Mailed to:**

11
12 NATIONSTAR MORTGAGE
13 8950 Cypress Waters Blvd
14 COPPELL, TX 75019

15 Mark D. Meyer, Esq.
16 Rosenberg & Associates, LLC
17 7910 Woodmont Avenue, Suite 750
18 Bethesda, Maryland 20814

19 GEORGE LIEBMANN
20 CHAPTER 7 TRUSTEE
21 8 West Hamilton Street
22 Baltimore, MD 21201

23 Dated this 16 Day of August, 2015

24 
25 _____

26 Herdisene McIntyre Green

27
28
29
30 Motion to Ratify Rescission